

THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

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SCIELE PHARMA, INC., et al.,

Plaintiffs,

v.

LUPIN, LTD, et al.,

Defendants.

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Civil No. 09-37 (RBK/JS)

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SHIONOGI PHARMA, et al.,

Plaintiffs,

v.

MYLAN, INC., et al.,

Defendants.

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Civil No. 10-135 (RBK/JS)

**O R D E R**

This matter is before the Court on the parties' discovery applications; and the Court having held oral argument on November 29, 2012; and the Court having issued its oral rulings on the record; and this Order intending to confirm some of the Court's rulings; and good cause existing for the entry of this Order,

IT IS HEREBY ORDERED this 30<sup>th</sup> day of November, 2012, as follows:

1. By December 20, 2012, Lupin shall produce all internal communications during the period February 21, 2012 to April 17, 2012, regarding the relaunch of its ANDA product in April 2012.



Lupin shall also produce a privilege log for all responsive documents withheld from production on the ground of privilege. Lupin shall serve the Court with a copy of the withheld documents for its in camera review along with a copy of its privilege log.

2. By December 12, 2012, Shionogi shall serve its letter brief in support of its application for the "relevant settlement agreement and associated documents" referred to on pages 6-7 of its November 26, 2012 letter brief. Responses shall be served by December 17, 2012. Shionogi's reply brief shall be served by December 19, 2012.

3. By December 20, 2012, Shionogi shall supplement its answers to Lupin's interrogatories 14, 15, and 16 (fourth set) and Andrx shall supplement its answers to Lupin's interrogatories 15, 16 and 17 (fourth set). The answers shall contain narrative responses and not merely refer generally to documents produced and Fed. R. Civ. P. 30(b)(6) deposition testimony. To the extent the answers refer to documents, the documents shall be identified by Bates number. To the extent the answers refer to deposition testimony, page and line numbers shall be listed.

4. By December 20, 2012, the parties shall serve a joint letter with the agreed upon names, dates and locations of all remaining fact depositions. The depositions shall be completed no later than February 28, 2012. All present scheduling deadlines shall remain in place until the Court receives the letter; and



IT IS FURTHER ORDERED that if any party serves a new application for additional discovery, the application shall specify with detailed precision the additional documents and information that is needed. The application shall be accompanied by an affidavit from a qualified consultant or trial expert opining why he/she needs additional documents for the damage calculation.

s/ Joel Schneider  
JOEL SCHNEIDER  
United States Magistrate Judge